

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID C. ASQUE,)
Petitioner,) Civil Action No. 07 - 67
v.) Judge Arthur J. Schwab
ALLEGHENY COUNTY,) Magistrate Judge Lisa Pupo Lenihan
Respondent.)

ORDER

On January 17, 2007, the above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* accompanied by a Petition for Writ of Habeas Corpus (doc. no. 1) and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (doc. no. 8), filed on May 3, 2007, recommended that Petitioner's Petition be dismissed as moot. The Petitioner was served with the Report and Recommendation and was advised he was allowed ten (10) days from the date of service to file written objections to the Report and Recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 31st day of May, 2007;

IT IS HEREBY ORDERED that Petitioner's Petition is **DISMISSED** as moot.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 8) of Magistrate Judge Lenihan, dated May 3, 2007, is adopted as the opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/Arthur J. Schwab

Arthur J. Schwab
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Mr. David C. Asque
241 Reifert Street
Pittsburgh, PA 15210